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9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN FRANCISCO DIVISION

11
12 UNITED STATES OF AMERICA,) No.: CR 05-00632 MHP
13 Plaintiff,) STIPULATION AND [PROPOSED]
14 v.) ORDER EXCLUDING TIME FROM
15 JING SHAN ZHOU,) SPEEDY TRIAL CALCULATION
16 Defendant.)
17 _____)

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19 With the agreement of the parties, the Court enters this Order excluding the time period
20 from October 31, 2005 through December 5, 2005 under the Speedy Trial Act, 18 U.S.C. § 3161.

21 The parties agree, and the Court finds and holds, as follows:

22 1. On October 31, 2005, the parties appeared before the Court for a trial
23 setting in this matter. The Court set a status hearing date of December 5, 2005 at 10:00 a.m. and,
24 with the stipulation of all parties, excluded the intervening time period from the Speedy Trial Act
25 calculation. This written stipulation memorializes the Court's verbal order excluding said time
26 period.

27 2. As ordered by the Court on October 31, 2005, an exclusion of the time period
28 from October 31, 2005, through December 5, 2005 is appropriate because of the Defendants'

1 need to obtain and review discovery from the government. Some of this discovery was relevant
2 to an anticipated material witness deposition. In total, the United States provided counsel with
3 approximately 500 pages of discovery in this case. Given the need for additional time to review
4 discovery, the parties stipulated that the failure to grant the requested continuance would
5 unreasonably deny the Defendants effective preparation of counsel taking into account the
6 exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). In addition, the parties stipulated
7 that the ends of justice would be served by the Court excluding the proposed time period, and
8 that these ends outweighed the best interest of the public and the Defendant in a speedy trial. See
9 id. § 3161(h)(8)(A), (B)(iv).

10 SO STIPULATED.

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12 DATED: December 5, 2005 /S/ STANLEY L. FRIEDMAN
13 STANLEY L. FRIEDMAN
Attorney for Defendant Jing Shan Zhou

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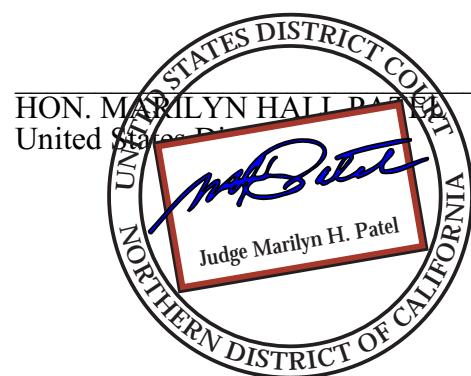
15 DATED: December 5, 2005 /S/ EDWARD TORPOCO
16 EDWARD TORPOCO
17 Assistant United States Attorney

18 In light of the foregoing facts, and with the consent of the parties, the Court hereby orders
19 that the period from October 31, 2005, through December 5, 2005, shall be excluded from the
20 Speedy Trial Act calculation under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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23 DATED: 12/9/2005



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28 STIPULATION AND ORDER
CR 05-00632 MHP